FOR MYSORE STATE

HOME (195 3) Department.

Ms SERIES.

G.O. NO. 137

Dated 15-1-1953

[Despatch Abstract.]

CRIMINAL RULES OF PRACTICE - Rule 160 - Fee for the defence of the accused in S.C.No.34 of 1952 on the file of the Sessions Judge, South Kanara - Sanctioned.

R.O.C.7873/52-B1.

From

Sri R.Jayaram Ayyar, M.A., B.L.,
Registrar, High Court of Judicature, Madras.

To

The Secretary to Government,
Home Department, Fort St. George, Madras (with encl.)

Dated the 31st December 1952.

Sir,

Sub: Pleader not in Government Service - Appointed under rule 157 Criminal Rules of Practice to defend the accused in Sessions Case No.34 of 1952 on the file of the court of Session, South Kanara - Fees - Application for - forwarded -

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The Sessions Judge of South Kanara has appointed Sri B.Gangadhar Das, Advocate under Rule 157 Criminal Rules of Practice to defend the three accused in Sessions Case No.34 of 1952 on his file. For the reasons given by him in his letter Dis.No.6900/52 dated 8-12-1952 (copy enclosed) he considers that the maximum of Rs.250/- which he can sanction under rule 160 Criminal Rule of Practice is inadequate in this case and recommends that a consolidated fee of Rs.600/- may be paid to the Advocate. The Hon'ble the Judges support the recommendations of the Sessions Judge.

I am therefore to forward a copy of the letter Dis.No.6900/52 dated 8-12-52 from the Sessions Judge of South Kanara together with its enclosure, for orders of Government.

Registrar.

vk/

Copy of letter No. Dis.6900/52 dated 8-12-1952 from the Sessions Judge of South Kanara to the Secretary to Government of Madras, Home Department, Madras, thro' the Registrar, High Court, Madras.

Sub: Pleader not in Government Service - Appointed under rule 157 of the Criminal Rules of Practice to defend the accused in Sessions Case No.34 of 1952 on the file of the Court of Session, South Kanara - Fees - Application for - Forwarded

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I am forwarding herewith an application of Sri B.Gangadhar Das, Advocate (appointed by me under rule 157 of the Criminal Rules of Practice to defend the accused in Sessions Case No.34 of 1952 on my file) for being paid fees at the rate of Rs.50 a day

2. The case was a long one and involved intricate questions both of fact and of law; 75 witnesses were examined and the trial lasted from 3-11-1952 to 24-11-1952 and took 18½ working days. There were three accused. For holding the preliminary inquiry into this case the Government had appointed a special Magistrate.

3. The prosecution in this court was conducted by the Public Prosecutor assisted by the Additional Public Prosecutor appointed by the Government as Junior Counsel for the purpose, and by Police officers placed on special duty. The defence of all the three accused was entrusted to Sri Das alone. He had to engage the services of a junior to assist him.

4. Sri Das is a fairly senior member of the local Bar with considerable practice and it was in view of the difficult nature of the case that it was entrusted to him. He had to lay aside all other work and give up all other engagements from 3-11-1952 up to 24-11-1952 apart from spending much time earlier in the preparation of the case.

5. Considering all aspects, I think that maximum of Rs.250/- which I may sanction inadequate for this case and recommend that a round sum of Rs.600/- which works out at a little over Rs.30 a day be paid to Sri Gangadhar Das.

/True copy/

Sub Assistant Registrar,
Adm. Department.
31/12/52

vk/

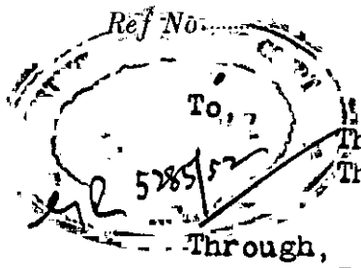
B. Gangadhar Das B.A. B.L.
Advocate & Government Pleader,
South Kanara.

5/

MANGALORE,

Date 2nd December 1952

Ref No



To,

The Secretary,
The Government of Madras Home Legal Department,
M_A_D_R_A_S.

Through,

The District & Sessions Judge,
South Kanara. MANGALORE.

Sir,

Ref: Sessions Case No. 34/1952 - State Brief - Payment of enhanced fees - Requested.

I was given State Brief to defend the three accused (1) Augustine, (2) A.J.Peres and (3) David in Sessions Case No.34/1952 on the file of the Sessions Judge of South Kanara. They were charged for offences punishable under sections 120 B, 302, 109 and 201 I.P.C.

This is one of the biggest Sessions Cases ever tried in this District. In the Sessions Court 75 witnesses were examined and 100 exhibits were marked. The trial had started on 3-11-1952 and ended on 24-11-1952, and 19 full working days had to be devoted for this case.

It may not be out of place here to add that the prosecution was conducted by the Public Prosecutor, South Kanara, assisted by the Additional Public Prosecutor, South Kanara and further assisted by a Special C.I.D.Inspector as well as a Sub Inspector. This was a case committed to the Sessions by a Special II Class Magistrate.

Besides taking such a long time the case was a difficult and complicated one and involved a number of questions of law. Normally there was sufficient work for 3 Advocates, but under no circumstances could one Advocate cope up with that amount of work unless he neglected and sacrificed all his other work and mainly attended to this case. In fact I had to give up all my other engagements from 3-11-1952 up to 24-11-1952 and devote my full time and attention to this case. I had to work up the whole thing single-handed. Whether I had discharged my duties properly or satisfactorily is a matter for the Sessions Judge to say. But I can confidently say that I have done my best and have sacrificed a good deal of my other professional engagements and consequently my income for the month of November is very much less than my usual income.

I would like to add that I am an Advocate practising in Mangalore for the last about 16 years and a sum of Rs.250/- as maximum fees offered to me in the notice of State of Brief is too small and in-adequate and certainly needs enhancement, especially in a case of this type.

In view of the magnitude of the case, I feel that a sum of not less than Rs.50/- per day would be adequate and proper fee for such a case.

So I pray that an additional sum of Rs.700/- (seven hundred only) may be sanctioned to be paid to me. (For 19 days at Rs.50/- will be Rs.950/- out of which I have been given Rs.250/-) at an early date.

Thanking you,

Yours faithfully

M. Gangadharan
Advocate.

Home dept.

Proceedings (B)

Ms 1171, Home, dt 28/3/61

CNO. 210 etc 51/53.

G.O. Ms. No. 137 Dated 15.1.53.

Crl. Rules of Practice – Rule 160 – Fee for the defence of the accused in S.C. No 34 of 1952 on the file of the Sessions Judge, South Kanara – Sanctioned.

Read:

From the Registrar High court, Madras Roc 7873/52-B, dt 31.12.52

Order:

The Government sanction the payment of a consolidated fee of Rs 600/- (Rupees six hundred only) to Sri B. Gangadhara Das, Advocate, Mangalore, South Kanara for his work in connection with the defence of the accused in S.C. No. 34 of 1952 on the file of the Sessions Judge, South Kanara.

8.1.1953

6.1.53

7.1.53

To the Registrar, High court, Madras.

The Accts. Officer, Home dept.

Copy to the S.J. South Kanara.

Copy to Ch. III

Note: The High court has recommended the proposal of the S.J. South Kanara for payment of a consolidated fee of Rs 600/- to Sri B. Gangadhara Das, Advocate, Mangalore for his work in connection with the defence of the accused in S.C. No. 34/52 on the file of the Sessions Judge, South Kanara. Under rule 160 of the Crl. Rules of Practice, the maximum fee that can be sanctioned by a Sessions Judge is Rs 250/- He has stated that the case

was a long one and involved intricate questions both of fact and of law: 75 witnesses were examined and the trial lasted from 3.11.52 to 24.11.52 and took 18½ working days. There were three accused. The fee now recommended works out at to a little over Rs 32/- a day. The fee allowed to a P.P in the Ctss districts for this normal work before the Sessions courts is Rs 35/- per day for a single case occupying three hours or more. The Advocate has requested Rs 50/- a day. Session Judge, supported by the High court, seems to be reasonable and may be accepted. The draft order overleaf is for approval. May be sent to Fin. for acceptance

Sd/-
6.1.53.

7.1.53

8.1.1953

Fin. U.O. 210 dt 9/1/53

Finance (Secn)

The draft order overleaf may be accepted

10.1.53

10.1.53

Home dept

The draft order overleaf may now issue

12.1.53.

12.1.53

Fin No 2254/Secn-I

12-1-53

8127

ADDITIONAL DEPUTY SECRETARY TO GOVERNMENT
9 JAN 1953
2254
FINANCE DEPARTMENT

ASSISTANT SECRETARY TO GOVERNMENT
12 JAN 1953
HOME DEPARTMENT